

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
ROOSEVELT ROSE,

Plaintiff,

-against-

05 Civ. 8828 (LAK)

IMAM MUHAMMED, et al.,

Defendants.

-----x
ROOSEVELT ROSE,

Plaintiff,

-against-

05 Civ. 8829 (LAK)

CITY OF NEW YORK DEPARTMENT OF
CORRECTION, et al.,

Defendants.

-----x
ROOSEVELT ROSE,

Plaintiff,

-against-

06 Civ. 0464 (LAK)

MASIEY, et al.,

Defendants.

-----x

ORDER

LEWIS A. KAPLAN, *District Judge.*

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: AUG - 7 2013

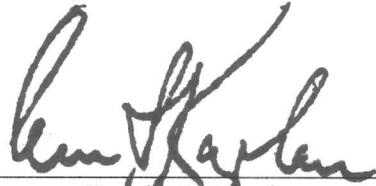
Defendants "Chief Thomas of C-74 RNDC," Horn, Riordan, Mack, Thompson, C.O. Tilery, Walsh, C.O. Smith, C.O. Walker and the City of New York move for summary judgment dismissing the complaint or amended complaint, as applicable, in each of these actions.. Plaintiff failed to respond to the motion, thus admitting the factual assertions set forth in defendants' Rule 56.1 statement to the extent they are supported by admissible evidence.

In a report and recommendation dated July 16, 2013, Magistrate Judge Michael H. Dolinger (the "R&R") recommended that the motion be granted. Plaintiff has not objected to the R&R.

The motion (DI 53 in 05 Civ. 8828, DI 47 in 05 Civ. 8829, DI 49 in 06 Civ. 464) is granted substantially for the reasons set forth in the R&R. These actions are dismissed insofar as they are brought against the moving defendants. They are dismissed also, albeit without prejudice, as against all remaining defendants on the ground that the docket sheets fail to reflect that any of the remaining defendants have been served although the time within which to do so has expired. The Clerk therefore shall enter final judgment dismissing each of these cases and terminate any pending motions.

SO ORDERED.

Dated: August 7, 2013



Lewis A. Kaplan
United States District Judge